

**SB185  
ABOLITION OF DEATH PENALTY**

**Cost Estimates and Information Regarding  
Impact of Death Penalty Cases on the Office of the State Public Defender**

- ◆ The prosecutor has given notice that the State will seek the death penalty for Tyler Michael Miller who is being defended by the Office of the State Public Defender.
  - Actual and obligated expenses to date in FY2011 - \$ 32,323  
Estimated expenditures for remainder of FY2011  
(Attorney time @ \$68/hr., training costs, other expenses; investigator and support staff costs; expert witness fees and costs) - \$ 92,677 \$125,000
  - Estimated expenditures if case goes to trial in FY2012  
(Attorney time @ \$68/hr. and their expenses; incidental attorney time other than 4 assigned counsel; replacement counsel for assigned counsel; investigator and support staff costs; expert witness fees and costs; other costs) - \$ 350,000
  - Actual and estimated expenditures in FY2011 and FY2012 - \$475,000
- ◆ Ronald Allan Smith was sentenced to death in 1983. More than 25 years after sentencing the impact on the Office of the State Public Defender is:
  - Actual expenditures FY2010 - \$ 5,579  
Actual expenditures FY2011 - \$16,013 \$21,592
  - Estimated expenditures for remainder of FY2011 - \$15,000
  - Estimated expenditures for FY2012 - \$25,000
  - Total actual and estimated expenditures - \$61,592
- ◆ The likelihood is that the Office of the State Public Defender will be assigned to defend and pay the defense costs in most if not all of the death penalty cases in the future because:
  - There are very, very few Montana attorneys outside of the Office of the State Public Defender who have the training, experience, and certification to defend a death penalty case; perhaps fewer than four; and
  - There are very few people who have assets and financial resources sufficient to retain the number of attorneys required and mount a vigorous, robust, decades long defense.